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: OFFICE OF PETITIONS

In re Application of

Shiota, et al.

Application No. 09/954,964

Filed: September 19, 2001

Attorney Docket No. 2091-0245P

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DECISION ON PETITION

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This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 12, 2008.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on February 15, 2008, after it was believed that no response was received to the restriction/election requirement mailed January 14, 2008. The notice allowed a shortened period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on July 28, 2008, indicating that a reply to the election/restriction requirement was not received.

Petitioner states that a response to the election/restriction requirement was filed on July 14, 2008, with a request for an extension of time within the fifth month. A review of the application file reveals that a response was filed on July 14, 2008, with a request for an extension of time within the fifth month¹. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 3600, GAU 3696 for further processing including review of the response filed July 14, 2008.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ It is noted that the period for reply to the restriction/election requirement is not set by statute. Pursuant to 37 CFR 1.136, the period for response to a restriction/election requirement is extendable five additional months, accordingly.